IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 5346 OF 2004

Shankarmal Pilani ...Applicant

Versus

State of Maharashtra & Anr ...Respondents

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Mr. Manish Bohra i/b A.S.Khan & Associates, Advocate for Applicant.

Mr. S.R. Shinde, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 21ST JULY, 2005

P. C.:-

1. Heard the learned advocate for the applicant and the learned A.P.P. for the State. None for the respondent i.e. original complainant though served.

2. The applicant has prayed for quashing of process issued against him in Criminal Case No.892/S/2002 which is pending in the Court of learned Metropolitan Magistrate, 30th Court, Kurla, Mumbai. In the said case, process has been issued against the applicant under Section 138 and 141 of Negotiable Instruments Act.

3. For the reasons recorded in my order dated 13th

June, 2005 passed in Criminal Writ Petition No.213 of 2005 and order dated 21st June, 2005 passed in Criminal Application No. 550 of 2005, the applicant has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my opinion, it would be appropriate that the applicant prefers revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicant to prefer revision before the concerned Sessions Court. The learned advocate for the applicant states that the necessary revision would be preferred within a period of four weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of four weeks from today.

5. On the necessary revision being preferred by the applicant before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

6. Application is disposed of.

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